

REMARKS

The specification has been amended at a number of locations to correct grammatical and spelling errors, as well as to clarify the description. No new matter has been added.

Accompanying this amendment is a submission of formal drawings. It is proposed to revise an indication for Receiving Period to a shortened form in Figure 3 to have the different sections of the drawing use the same shortened form, and to correct a spelling error in Figure 4. Annotated sheets showing the revisions are attached hereto. The submission paper includes formal drawings for all of the drawings, and includes formal drawings with the revisions.

Claims 4 and 10 have been canceled. Claims 1, 2 and 7 have been amended. Claims 1-3, 5-9, and 11-14 are active in the application.

Claims 1 and 7 were rejected as being indefinite for reciting an "intrinsic function". Claims 1 and 7 have been amended to recite a "communication function", which includes telephone operation and transmission of electronic mail or other electronic data.

Claims 4 and 10 have been cancelled. The features of claims 4 and 10 have been added to claims 1 and 7 by amendment. No new matter has been added.

Claims 13 and 14 have been added. Claims 13 and 14 are supported by text at page 10, lines 20-22.

Claims 1-5 were rejected under 35 USC 103(a) as being unpatentable over Japanese publication 11-308163 to Atsushi in view of US patent 5,950,139 to Korycan. Claims 6-12 were rejected under USC 103(a) as being unpatentable over Atsushi in view of Korycan and US patent 6,625,478 to Nonogaki. These rejections are traversed.

The present invention provides a portable telephone having an indicator light that lights up when the telephone is not in a communication mode. The light is not located in a display. Significantly, amended claims 1 and 7 require that the light is located at a position which is easily seen by persons other than said user. With this important feature, other persons can be assured that the portable telephone is not emitting prohibited radio waves and possibly interfering with sensitive electronic equipment. The indicator light

can be located on top of the cabinet of the telephone, or on the antenna, for example (see page 10, lines 20-23).

Atsushi, by comparison, requires that a communication mode indicator is located in the telephone display, as correctly noted in the Office Action. The telephone display is
 5 located on the front panel of the telephone, and so it not easily seen by nearby persons.

Korycan teaches a radiotelephone with a visual signal quality indicator. In rejecting independent claims 1 and 7, the Office Action argues that it would be obvious for Atsushi to remove the indicator from the display as done in Korycan. However, is it not obvious to remove the communication indicator from the display and place it at a
 10 position that is easily seen by persons other than the user. Korycan does teach that the signal quality indicator can be moved from the display area of the telephone. However, Korycan requires that the signal quality indicator be located within a peripheral view of the user when an earpiece of the radiotelephone is held to a users ear (see ABSTRACT, col. 2, lines 20-23, and col. 1, lines 47-50, and col. 3, lines 54-58). Specifically, Korycan
 15 teaches that the visual signal quality indicator can be at the bottom of the front panel of the telephone (see Figs. 2, 3, 4, and 5). Any proposed combination of Atsushi and Korycan must have the indicator within the peripheral view of the user because this feature is required by Korycan. However, placing the indicator within the peripheral view of the user necessarily places it in a location that is not easily seen by persons other than
 20 the user. For example, Korycan places the indicator at the bottom of the front panel, and other persons cannot easily see indicators in this location. The present invention places the indicator at the top of the antenna or top of the cabinet, where other persons can easily see but the user cannot. The combination of Atsushi and Korycan therefore does not result in a telephone having a communication mode indicator light where other persons
 25 can easily see it (e.g. at the top of the cabinet or on the antenna). Hence, the proposed combination of Atsushi and Korycan does not meet or suggest the limitations of claims 1 and 7 as amended, and the rejections of these claims must be withdrawn.

Also, regarding claims 5, 11, 13 and 14, neither Atsushi, Korycan or Nonogaki, either alone or in combination, teach or suggest that a communication mode indicator
 30 light can be located on an antenna or on a top of a telephone cabinet. No conceivable combination of these references can have communication mode indicator light in these

locations. Accordingly, the rejections of claims 5 and 11 are erroneous and must be withdrawn, and claims 13 and 14 should be allowed.

Nonogaki has been relied upon on teaching a telephone with a display for urging a user to select an operation mode (e.g. telephone mode or AV/telephone mode). Nonogaki has not been relied upon for teaching an indicator light outside of a display area. Nonogaki does not teach an indicator light outside of the display area or an indicator light located where other persons can easily see it. Therefore, Nonogaki cannot be used to make up for the teachings absent in Atsushi or Korycan.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1-3, 5-9 and 11-14 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees for the petition or for entry of this amendment to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson P.C.).

Respectfully submitted,



Michael E. Whitham
Reg. No. 32,635

Whitham, Curtis & Christofferson, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190
(703) 787-9400
Customer Number 30743
Fax: 703-787-7557